



ORDER OF DETERMINATION

August 19, 2013

DATE THE DECISION ISSUED

July 9, 2013

PAULA DATESH VS. ARTS COMMISSION, HOWARD LAZAR (13005)

FACTS OF THE CASE

Paula Datesh ("Complainant") alleges Howard Lazar, Program Director and the San Francisco Arts Commission (the "Commission") violated the Ordinance by failing to provide the Complainant with requested public information in a number of separate categories.

COMPLAINT FILED

On February 8, 2013, Ms. Datesh filed a complaint with the Task Force alleging violations of Sections 67.21, 67.24, 67.26, and 67.27 of the Ordinance.

HEARING ON THE COMPLAINT

On July 9, 2013, Complainant Ms. Datesh appeared before the Task Force and presented her claim. Respondent, Howard Lazar, Program Director presented the Arts Commission's defense.

The issue in the case is whether the Arts Commission violated Sections 67.21, 67.24, 67.26, and 67.27 of the Ordinance.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on the testimony and evidence presented the Task Force finds the testimony of Complainant Ms. Datesh to be persuasive and finds Sections 67.25(a) and 67.21(e) to be applicable in this case. The Task Force does not find that testimony provided by Howard, Program Director, Arts Commission persuasive to resolving the allegations of violation of these two provisions of the Ordinance in this case.

DECISION AND ORDER OF DETERMINATION

The Task Force finds that the Arts Commission violated Sections 67.25(a) for failure to respond the day following the Immediate Disclosure Request and 67.21(e) for failure to comply with the records request in a timely manner. The Arts Commission shall release the records requested within 5 business days of the issuance of this Order and appear before the Education, Outreach and Training Committee on September 9, 2013 for a hearing on the adequacy of the Commission's policies and processes for responding to public records requests.



This Order of Determination was adopted by the Sunshine Ordinance Task Force on July 9, 2013 by the following vote: (Pilpel/Knee)

Ayes: Knee, Washburn, Pilpel, Sims, David Hyland, Oka, Fischer, Grant

A handwritten signature in cursive script, reading "Kitt Grant".

Kitt Grant, Chair
Sunshine Ordinance Task Force

c: Jerry Threet, Deputy City Attorney
Paula Datesh, Complaint
Howard Lazar, Respondent
Kate Patterson, Respondent